

THE LAW FIRM OF  
**CÉSAR DE CASTRO, P.C.**  
ATTORNEY AT LAW

The District  
111 Fulton Street - 602  
New York, New York 10038  
631.460.3951 Office  
646.285.2077 Mobile  
646.839.2682 Facsimile  
cdecastro@cdecastrolaw.com  
cdecastrolaw.com

November 22, 2023

***Via ECF***

The Honorable Jesse M. Furman  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *United States v. Schulte*, 17 Cr. 548 (JMF)

Dear Judge Furman,

We write to request that the Court adjourn Mr. Schulte's sentencing, currently scheduled for January 10, 2023, approximately 45 days until the week of February 26, 2024, or March 4, 2024. Specifically, we would request February 26, 28, or 29, 2024, or any day the week of March 4, 2024.

The undersigned is currently scheduled to commence trial before the Honorable Brian M. Cogan in the Eastern District of New York on December 4, 2023, in *United States v. Jay Bryant*, 22 Cr. 415 (BMC). The undersigned also has a substantial Rule 33 motion due, also to Judge Cogan, in *United States v. Garcia Luna*, 19 Cr. 576 (BMC), where we have been granted a lengthy filing extension due to the sheer volume of new evidence we have received and are currently reviewing.

Most importantly, however, the defense has substantial mitigation efforts for Mr. Schulte's sentencing that we will not be able to complete before Mr. Schulte's sentencing on January 10, 2023, let alone before his sentencing memorandum is due to the Court on December 28, 2023. To provide adequate sentencing advocacy, a 45-day adjournment is necessary.

We have spoken to Mr. Schulte about the need for additional time, and he consents to the adjournment.

We have spoken with the government and to avoid the need for an additional letter from it, we have incorporated its position here. The government objects to our adjournment request for the following reasons:

Although the Government is mindful of defense counsel's other commitments and the time necessary to prepare an appropriate submission, the long pendency of this case warrants maintaining the current sentencing date. The defendant has repeatedly requested a sentencing as promptly as possible; the Court set the existing sentencing date in response to one such motion (see D.E. 1066) and has referred to it in response to complaints by the defendant. In addition, the defendant has repeatedly raised concerns about the conditions of his confinement at the Metropolitan Detention Center ("MDC"), both through motions in this case and in numerous other civil filings. Maintaining the current sentencing date will allow the Bureau of Prisons ("BOP") to expeditiously designate the defendant to a penitentiary designed for long-term incarceration able to administer the approved Special Administrative Measures, which would address both the defendant's complaints about the MDC and the substantial logistical burdens on the BOP and FBI posed by his continued detention in a facility designed for pretrial confinement. The Government has also conferred with the victim of the majority of the crimes of which the defendant was found guilty, and the victim also objects to an adjournment of sentencing.

For the foregoing reasons, the defense respectfully requests that Mr. Schulte's sentencing be adjourned approximately 45 days.

Respectfully submitted,

/s/

Shannon McManus  
César de Castro

cc: All Parties (*via* ECF)